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Quick Look:

This document includes:
Background Information, Quick Facts, Frequently Asked Questions and Additional Resources about House Bill 7129 sponsored by the Community & Military Affairs Subcommittee chaired by Representative Workman.

Quick Facts:

67: Number of counties in Florida

411: Number of municipalities in Florida as of 2010

910: Number of plan amendments received statewide in 2010

OPI Pulse: Growth Management Reform

Update:
House Bill 7129 relating to Growth Management was originally filed as Proposed Committee Bill (PCB) CMAS 11-04 in the House Community & Military Affairs Subcommittee on March 15, 2011. The bill was passed by the Florida House of Representatives on April 21, 2011, with a vote of 86-31.

Background

In the 1970s and 1980s, Florida's communities experienced rapid population growth. At the time, local governments were unprepared to meet the demands and impacts of this growth. In response, the state adopted growth management laws which are still in place today. Florida's Growth Management Act, known officially as "The Local Government Comprehensive Planning and Land Development Regulation Act," was adopted by the Legislature in 1985. Since it was adopted, the Act has been amended in some way almost every year. The Act requires all counties and municipalities to adopt local plans to help guide future community growth and development. As a result of the Act, all local governments have now adopted comprehensive plans and the mechanisms to carry out those plans.

Each local comprehensive plan contains various elements or chapters to address how land within the community will be used in the future. Plans include community maps showing areas designated for purposes like housing, transportation, infrastructure, conservation, or recreation and open space. Plans also include details on how local governments will coordinate with each other and how and when the community will create or repair public resources (called capital improvements) like roads or water and sewer projects.

Florida's Growth Management Act requires that communities submit proposed plan changes, called amendments, to the Department of Community Affairs (DCA) after the proposed changes have been presented to the community. The DCA is the state agency responsible for reviewing and approving local comprehensive plans. This review focuses on whether the changes proposed are compliant with the state's Growth Management Act.

One factor in the review and approval of development is the issue of concurrency. Current statute requires that local governments ensure facilities and services are implemented concurrent with new development. In most circumstances, current law allows local governments to amend their comprehensive plans twice a year.

Statute currently requires a minimum of 136 days for the review of comprehensive plan amendments. In 2007, the Legislature created a pilot

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Terms to understand:

Municipality – a city, town, or village possessing a communal existence and its own local government.

Growth Management – a concept by which government uses specific techniques and concepts to ensure that, as a community grows, it plans for the necessary infrastructure and services to ensure the community's success.

Comprehensive Plan – a document meant to outline a community's plans related to future growth and development.

Capital Improvements – building or repairing public facilities including roads or water and sewer projects.

Concurrency – a concept in growth management that requires local governments ensure that facilities and services are available simultaneous with the impacts of development.

review program which shortened the minimum timeline from the minimum of 136 days to 65 days.

Issue at a Glance

PCB CMAS 11-04 regarding growth management reform was re-numbered House Bill 7129 and proposes to change the state's existing comprehensive plan amendment requirements and process. Proponents of these reforms have expressed the following as their reasons for the bill:

- Proponents feel that today, unlike any time before, local governments are experienced and well-prepared to manage growth within their communities without the state overseeing their efforts. They cite recent data from the Department of Community Affairs, which indicates that 93 percent of plan amendment packages reviewed by the state are approved.
- Proponents assert the system, in its current form, is no longer responsive to the needs of Florida's communities. The current law hinders the ability of communities to enact creative and effective solutions that will work for their community.
- Proponents argue the current process hinders individual community's abilities to remain economically diverse due to lengthy and complex approval processes.
- Proponents believe that state resources should be focused on issues of state significance instead of on local issues impacting isolated communities and municipalities.

What the Bill Does

House Bill 7129, as amended and subsequently passed by the House, proposes changes to the state's growth management system including:

- Changing the statutory requirements of local comprehensive plans, including removing the twice a year limitation on local government adoption of plan amendments and incorporating into law provisions related to the discouragement of urban sprawl and other minimum requirements for plans and plan amendments.
- Expanding the expedited plan amendment process instituted via pilot in 2007, while retaining the more extensive review of plans for newly formed cities, plan amendments that impact areas of critical state concern, and large-scale rural, undeveloped and environmentally sensitive areas.
- Limiting the scope of state review of local comprehensive plan and plan amendments as well as challenges to local comprehensive plan and plan amendments to encompass, for the most part, only state resources and facilities.
- Revising large-scale planning tools, such as sector plans and rural land stewardship areas, to promote better land use patterns,

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Growth Management Resources:

House Bill 7129- Growth Management

Senate Bill 1122- Growth Management

Florida Growth Management Laws (Chapter 163)

preservation of agricultural and environmentally sensitive lands and provision of infrastructure.

- Eliminating certain areas of state required concurrency. Local governments will have a choice to maintain or implement similar concepts at the local level.
- Removing certain non-residential developments from the development-of-regional-impact review process and providing certain existing developments-of-regional-impact linked to job-creating industries with flexibility related to the review process.
- Providing a two-year extension with conditions for certain permits extended in 2009 that, as a result of their extended expiration date, became ineligible for a two-year extension granted in 2010.

Frequently Asked Questions: Growth Management Reform

What is "concurrency" and why does the state want to change it?
Concurrency is a component of the Growth Management Act that requires local governments to ensure that facilities and services are available simultaneous with the impacts of development. The most obvious examples of concurrency relate to transportation concurrency, parks and recreation concurrency and school concurrency. Proponents of this legislation believe that concurrency forces development outside of urban centers where capacity exists, in turn fueling urban sprawl and putting pressure on the state's natural resources. Proponents also assert that communities can be limited by concurrency requirements, preventing them from implementing creative solutions to community development issues.

What will removing state requirements for concurrency mean in my hometown?
Concurrency as a concept will still exist however, under this legislation, local governments, not the state, will determine how and when to apply concurrency.

Does this bill eliminate the state comprehensive review process?
No, House Bill 7129 does not eliminate the state's comprehensive review process. However, the bill does establish the state review for most plan amendments will focus on adverse impacts to important state resources and facilities. In addition, the bill also requires a more comprehensive state review of plans for newly formed cities, plan amendments that are in areas of critical state concern, as well as proposed plans related to large-scale rural, undeveloped and environmentally sensitive areas.

Are local governments still required to have a local plan?
Yes. This bill does not relieve local governments from the responsibility of adopting, maintaining and implementing a local comprehensive land use plan. The law provides minimum standards for these plans. The bill also

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Additional Resources:

Florida House of Representatives

House Economic Affairs Committee

House Community & Military Affairs Subcommittee

Florida Department of Community Affairs

continues to require local governments to evaluate and appraise their plans for necessary updates every seven years, but eliminates the requirement to submit a detailed evaluation and appraisal report to the state following this local evaluation.

Does this bill eliminate the Florida Department of Community Affairs?
The bill does not eliminate the Department of Community Affairs nor does it reduce the budget or staffing of the Department of Community Affairs.

Will developers in Florida now be able to build without constraints?
No. The bill does not change the planning requirement that proposed developments must be consistent with locally adopted comprehensive plans and local ordinances.

How does this affect the ability of citizens to participate in the plan amendment process?
This bill does not change the manner by which the public participates in the comprehensive planning process. Local governments are still required to hold two public hearings as well as accept written comments from the public regarding proposed plan amendments. The bill also maintains the process by which any affected person can challenge a proposed amendment and incorporates the same standard of review for citizen challenges used today when the Department of Community Affairs finds a plan amendment to be in compliance.

If a local government adopts a comprehensive plan amendment that negatively impacts a neighboring local government, can anything be done?
Yes. The neighboring local government could challenge the comprehensive plan amendment by filing a petition with the state Division of Administrative Hearings for an administrative hearing. This bill does not alter the existing challenge process between communities.

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